

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Securities and Exchange Commission Plaintiff,

- against -

Byers, et al.

Defendant.

8 cv 07104 (DC)

MOTION TO ADMIT COUNSEL  
PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the

Southern and Eastern Districts of New York, I, Timothy J. Coleman a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Jonathan W. Ware  
Firm Name: Dewey & LeBoeuf LLP  
Address: 1101 New York Avenue, NW  
City/State/Zip: Washington, D.C. 20005-4213  
Phone Number: (202) 346-7743  
Fax Number: (202) 299-1413

Jonathan W. Ware is a member in good standing of the Bar of the States of Virginia, District of Columbia

There are no pending disciplinary proceeding against Jonathan W. Ware in any State or Federal court.

Dated: 9/17/2009

City, State: Washington, D.C.

Respectfully submitted,

Sponsor's

SDNY Bar TC3138

Firm Name: Dewey & LeBoeuf LLP

Address: 1101 New York Avenue, NW

City/State/Zip: Washington, D.C. 20005-4213

Phone Number: (202) 346-8000

Fax Number: (202) 346-8102

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION 08-CV-07104 (DC)

Plaintiff,

-against-

AFFIDAVIT OF TIMOTHY J.  
COLEMAN IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL PRO HAC VICE

BYERS, ET AL.

Defendants.

-----X

DISTRICT OF COLUMBIA )  
SS.:  
)

TIMOTHY J. COLEMAN, being duly sworn, hereby deposes and says as follows:

1. I am a partner with the law firm of Dewey & LeBoeuf LLP, and the Receiver in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of my motion to admit Jonathan W. Ware as counsel *pro hac vice* to represent the Receiver in this matter.

2. I am a member in good standing of the Bar of the State of New York, and was admitted to practice law on February 4, 1991. I am also admitted to the Bar of the United States District Court for the Southern District of New York, and am in good standing with this Court. I was admitted on December 29, 1992.

3. I have been Mr. Ware's colleague since September 2008.

4. Jonathan W. Ware is an associate at Dewey & LeBoeuf LLP, and works at 1101 New York Avenue, Washington, D.C. 20005-4213.

5. I have found Jonathan W. Ware to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.


6. Accordingly, I am pleased to move the admission of Jonathan W. Ware, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Jonathan W. Ware, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREAS, it is respectfully requested that the motion to admit Jonathan W. Ware, *pro hac vice*, to represent Timothy J. Coleman, Receiver, in the above-captioned matter, be granted.

  
TIMOTHY J. COLEMAN

Sworn to before me this  
17<sup>th</sup> day of September, 2009.

  
Notary Public

Hilary F. Durante  
Notary Public, District of Columbia  
My Commission Expires March 14, 2011





District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202/879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

JONATHAN W. WARE

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was on the 10<sup>TH</sup> day of AUGUST, 2009  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on  
September 16, 2009.

GARLAND PINKSTON, JR., CLERK

By: M. Charles  
Deputy Clerk



**VIRGINIA STATE BAR**

# CERTIFICATE OF GOOD STANDING

***THIS IS TO CERTIFY THAT JONATHAN WESLEY WARE IS AN ACTIVE MEMBER OF THE VIRGINIA STATE BAR IN GOOD STANDING. MR. WARE WAS LICENSED TO PRACTICE LAW IN VIRGINIA ON OCTOBER 16, 2008, AFTER SUCCESSFULLY PASSING THE BAR EXAMINATION GIVEN BY THE VIRGINIA BOARD OF BAR EXAMINERS.***

*Issued September 17, 2009*

*Karen A. Gould*  
KAREN A. GOULD  
EXECUTIVE DIRECTOR AND  
CHIEF OPERATING OFFICER

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Securities and Exchange  
Commission

Plaintiff,

8 cv 07104 (DC )

- against -

Byers, et al.

Defendant.

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Timothy J. Coleman attorney for Timothy J. Coleman, Receiver  
and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Jonathan W. Ware  
Firm Name: Dewey & LeBoeuf LLP  
Address: 1101 New York Avenue, N.W.  
City/State/Zip: Washington, DC 20005  
Telephone/Fax: (202) 346-7743  
Email Address: jware@dl.com

is admitted to practice pro hac vice as counsel for Timothy J. Coleman, Receiver in the above  
captioned case in the United States District Court for the Southern District of New York. All attorneys  
appearing before this Court are subject to the Local Rules of this Court, including the Rules governing  
discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall  
immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice  
fee to the Clerk of Court.

Dated:  
City, State: New York, NY

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United States District/Magistrate Judge

### **CERTIFICATE OF SERVICE**

The undersigned, an attorney, states that I am one of the attorneys for Timothy J. Coleman, Receiver, in this matter and do hereby certify that on **September 18, 2009** I directed the service of a true and correct copy of the foregoing **Motion to Admit Counsel Pro Hac Vice** upon the following individuals in the manner indicated below:

#### **Via First Class Mail**

Joseph Shereshevsky, Registry No. 35857-054  
c/o GEO Group  
Queens Private Correctional Facility  
182-22 150<sup>th</sup> Avenue  
Jamaica, NY 11413  
Pro Se Defendant

#### **Via ECF Notification & Electronic Mail**

Alexander M. Vasilescu, Esq.  
Andrew M. Calamari, Esq.  
Steven G. Rawlings, Esq.  
Alistaire Bambach, Esq.  
Neal R. Jacobson, Esq.  
Philip Moustakis, Esq.  
Danielle Sallah, Esq.  
Attorneys for Plaintiff SEC

#### **Via ECF Notification & Electronic Mail**

Barry S. Pollack, Esq.  
Joshua L. Solomon, Esq.  
Attorneys for non-party G&H Partners AG

#### **Via ECF Notification & Electronic Mail**

Barry S. Zone, Esq.  
Jason Canales, Esq.  
Attorneys for Defendant Steven Byers

#### **Via ECF Notification & Electronic Mail**

Michael Fred Bachner, Esq.  
Attorney for Relief Defendant Elka Shereshevsky

#### **Via ECF Notification & Electronic Mail**

Martin Siegel, Esq.  
Attorney for non-party Int'l Consortium of Wextrust Creditors

#### **Via ECF Notification & Electronic Mail**

Paul A. Levine, Esq.  
Attorney for non-party Key Equipment Finance, Inc.

#### **Via ECF Notification & Electronic Mail**

David B. Gordon, Esq.  
Beth L. Kaufman, Esq.  
Attorneys for non-party Lawrence Costa

#### **Via ECF Notification & Electronic Mail**

Harris Kay, Esq.  
Marc X. LoPresti, Esq.  
Attorneys for various non-party investors

#### **Via ECF Notification & Electronic Mail**

Ethan Holtz, Esq.  
Edward P. Gilbert, Esq.  
Attorneys for non-party RAIT Partnership

#### **Via ECF Notification & Electronic Mail**

Francesca Morris, Esq.  
Attorney for non-parties Ticor Title Insurance Co. and Heritage Community Bank

#### **Via ECF Notification & Electronic Mail**

John M. Bradham, Esq.  
Peter B. Katzman, Esq.  
Attorneys for non-parties Space Park AIM and ISSB Partnerships



**Via ECF Notification & Electronic Mail**

Philip A. Byler, Esq.  
Andrew T. Miltenberg, Esq.  
Ira S. Nesenoff, Esq.  
Attorneys for non-party Broadway Bank

**Via ECF Notification & Electronic Mail**

Shalom Jacob, Esq.  
Shmuel Vasser, Esq.  
Attorneys for non-party Int'l Ad-Hoc  
Committee of Wextrust Creditors

**Via ECF Notification & Electronic Mail**

Louis Orbach, Esq.  
Charles J. Sullivan, Esq.  
Amy Marie Culver, Esq.  
Attorneys for non-party TCF National Bank

**Via ECF Notification & Electronic Mail**

Elizabeth P. Gray, Esq.  
Attorney for non-party Gerald Jaffe

**Via ECF Notification & Electronic Mail**

Alan E. Marder, Esq.  
Attorney for non-parties Nashville Warehouse  
Partners and Southeast Warehouse Partners

**Via ECF Notification & Electronic Mail**

Edward F. Malone, Esq.  
George R. Mesires, Esq.  
Attorneys for non-parties Barrington and  
Hinsdale Banks

**Via ECF Notification & Electronic Mail**

Susan F. Balaschak, Esq.  
Keith N. Costa, Esq.  
Randal S. Mashburn, Esq.  
John H. Rowland, Esq.  
Attorneys for non-party Regions Bank

**Via ECF Notification & Electronic Mail**

Emily Alexander, Esq.  
Attorney for non-party Martin Malek

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s/ Mark S. Radke